

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

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MAX SHNETMAN,

Plaintiff,

-against-

VERIFIED BILL OF
PARTICULARS

2100 WHITE PLAINS ROAD, LLC, GALAXY
MANAGEMENT, INC., "JOHN DOE", and "JANE
DOE, INC.", (Said names being fictitious it being the
intention of plaintiff to designate any and all owners of
2100 White Plains Road being sued herein),

Index no.: 18068/04

Defendants.
-----X

SIRS:

Plaintiff, MAX SHNETMAN, by his attorneys, KLEIN CALDERONI, &
SANTUCCI, LLP, sets forth the following, upon information and belief, as and for her Verified
Bill of Particulars in response to Defendants demand for same:

1. At the time of the accident complained of and presently, plaintiff resided at 2334 Boston Road, #19-O, Bronx, New York 10467.
2. Plaintiff's date of birth is March 26, 1929 and his social security number is 132-20-7513.
3. Defendants, their agents, servants, employees and/or licensees were negligent in that they carelessly and recklessly permitted the sidewalk abutting their premises to become in an unsafe and dangerous condition by allowing snow and ice to collect and accumulate in the on the aforesaid sidewalk; by failing to remove or remedy the snow and ice on the surface of the aforesaid sidewalk;

in failing to remove or remedy the dangerous condition; in allowing the aforesaid sidewalk to become and remain in an icy and slippery condition on and for a long period of time prior to the accident, under the existing conditions; in failing to reasonably anticipate that pedestrians lawfully traversing the aforesaid sidewalk could sustain severe physical injuries because of the icy and slippery condition thereof; neglected for more than the time allowed by law to remove the snow and ice; in failing to provide adequate and sufficient help and manpower for the removal of snow and ice; in failing to properly plow, salt, sand or otherwise treat and maintain the aforesaid sidewalk in an appropriate manner for the purpose of providing pedestrians a safe means of passage; in failing to provide notice of the dangerous condition to those lawfully traversing the aforesaid sidewalk; and generally maintained the aforesaid sidewalk and their premises in a negligent and careless manner.

4. Plaintiff's accident occurred on February 4, 2004 at approximately 8:00 a.m.

5. Plaintiff's accident occurred on the sidewalk abutting the premises known as 2100 White Plains Road, Bronx, New York at or next to the mailbox at the corner of Maran Place and White Plains Road, Bronx, New York.

6. Plaintiff is retired.

7. Presently, plaintiff is not aware of any other person that is employed by, an agent of or any other person who has a legal relationship with defendants that could be responsible for plaintiff's accident. Plaintiff reserves the right to supplement this response.

8. Actual notice was and should have been had by defendant, its agents, servants, employees and/or licensees, who are charged with the duty of seeing to it that the parking lot was kept and maintained in a safe condition and free from obstructions and impediments for tenants including the plaintiff. Plaintiff reserves the right to supplement this response.

Constructive notice was and should have been had by defendant, its agents, servants, employees and/or licensees, who are charged with the duty of seeing to it that the parking

lot is free of snow and ice, was kept in a safe condition allowed said parking lot to remain covered with snow and ice for longer than the time permitted by law and thus unsafe for the tenants including the plaintiff. Plaintiff reserves the right to supplement this response.

9. See response to item 3.

10. As a result of the accident referred to above, plaintiff sustained multiple injuries including

- a. non-displaced fracture of the left distal radius,
- b. triquetral fracture of the left arm, and
- c. reduced range of motion to left arm.

All of the above named injuries are with the involvement of the surrounding soft tissues, nerve endings, blood vessels, muscles, tendons and ligaments as stated in the reports of the treating physicians and health care providers. All of these above named injuries are with the resulted pain, deformity and disability stated in the reports of the treating physicians and health care providers.

Upon information and belief, all of the injuries set forth above are believed to be permanent, chronic and lasting in nature and character with permanent effects of pain.

11. Plaintiff received emergency room treatment on February 4, 2004 at Stony Brook Medical Center, Nicolls Road at E. Loop Road, Stony Brook, New York 11794.

12. Plaintiff received treatment from Roy Kulick, MD, 1695 Eastchester Road, Bronx, New York 10461.

13. Exclusive of treatment of health care providers, (a) plaintiff was not confined to bed, (b) plaintiff was confined to his home from February 4, 2004 through February 18, 2004, and (c) not applicable.

14. Not Applicable.

15. Not Applicable.

16. Not Applicable.

17. Not Applicable.

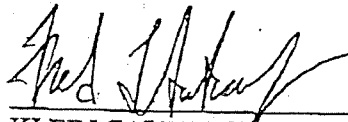
18. Amounts of special damages will be provided under separate cover.

19 - 21 See response to item 18.

22. The court will take judicial notice of all those statutes, rules, ordinances, codes and/or regulations of the City and State of New York that were violated by defendant, including but not limited to, the Administrative Code of the City of New York, General Municipal Law, New York Code of Rules and Regulations, as well as those violated based on the evidence and testimony adduced to at trial.

Dated: Bronx, New York
October 12, 2004

Yours, etc.,



KLEIN CALDERONI & SANTUCCI, LLP

By: Fred T. Santucci, Jr., Esq.

Attorneys for Plaintiff

744 Lydig Avenue

Bronx, New York 10462

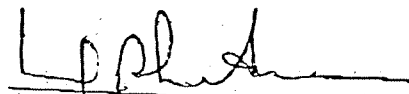
To: Law Offices of Thomas J. Leonard
Attorneys for Defendants
108 Corporate Park Drive, Suite 115
White Plains, New York 10604

VERIFICATION

STATE OF NEW YORK)
) s.s.:
COUNTY OF BRONX)

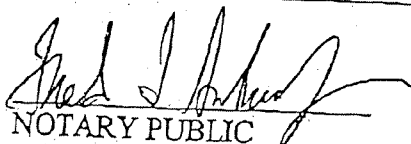
MAX SHNETMAN, being duly sworn, deposes and says:

I am the plaintiff in the within action and have read the foregoing VERIFIED BILL OF PARTICULARS; that the same is true to my own knowledge, except as to those matters therein stated to be alleged upon information and belief, and as to those matters, I believe them to be true.


MAX SHNETMAN

Sworn to before me this

26th day of October, 2004


NOTARY PUBLIC

FRED T. SANTUCCI JR
Notary Public, State Of New York
No. 02SA5062487
Qualified In Queens County
Commission Expires July 1, 2016

Check Applicable Box

action; I have read the foregoing the same is true to my own knowledge, except as to the matters therein alleged to be on information and belief, and as to those matters I believe it to be true. The reason this verification is made by me and not by

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

I affirm that the foregoing statements are true, under the penalties of perjury.

Dated:

STATE OF NEW YORK, COUNTY OF

SS.:

I, the undersigned, being duly sworn, depose and say: I am

☐ Individual Verification

in the action; I have read the foregoing

and know the contents thereof; the same is true to my own knowledge, except

☐ Corporate Verification

as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.

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corporation and a party in the within action; I have read the foregoing and know the contents thereof; and the same is true to my own knowledge,

except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe it to be true. This verification is made by me because the above party is a corporation and I am an officer thereof.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

Sworn to before me on

The name signed must be printed beneath

STATE OF NEW YORK, COUNTY OF BRONX

SS.:

(If more than one box is checked—indicate after names type of service used.)

I, the undersigned, being sworn, say: I am not a party to the action, am over 18 years of age and reside at 744 Lydig Avenue

Bronx, New York 10462

On November 5, 2004

I served the within Verified Bill of Particulars

☒ Service By Mail

by mailing a copy to each of the following persons at the last known address set forth after each name below.

☐ Personal Service on Individual

by delivering a true copy of each personally to each person named below at the address indicated. I knew each person served to be the person mentioned and described in said papers as a party therein:

☐ Service by Electronic Means

by transmitting a copy to the following persons by ☐ FAX at the telephone number set forth after each name below ☐ E-MAIL at the E-Mail address set forth after each name below, which was designated by the attorney for such purpose, and by mailing a

☐ Overnight Delivery Service

copy to the address set forth after each name.

by dispatching a copy by overnight delivery to each of the following persons at the last known address set forth after each name below.

Thomas J. Leonard
108 Corporate Park Drive, Suite 115
White Plains, NY 10604

FRED I. SANTUCCI JR
Notary Public, State Of New York
No. 02SA5062487
Qualified In Queens County
Commission Expires

July 1, 2006

Sworn to before me on November 5, 2004

Fred I. Santucci Jr

Joyce Orsican
Joyce Orsican

The name signed must be printed beneath

MAX SHNETMAN,

Plaintiff,

-against-

2100 WHITE PLAINS ROAD, LLC, GALAXY MANAGEMENT, INC., "JOHN DOE",
and "JANE DOE, INC.", (Said names being fictitious it being the
intention of plaintiff to designate any and all owners of
2100 White Plains Road being sued herein),

Defendants.

VERIFIED BILL OF PARTICULARS

KLEIN CALDERONI & SANTUCCI, LLP
ATTORNEYS AT LAW

Attorney(s) for Plaintiff

Office and Post Office Address, Telephone

744 LYDIG AVENUE
BRONX, NEW YORK 10462
(718) 319-1400

To

Signature (Rule 130-1.1-a)

Print name beneath

Service of a copy of the within is hereby admitted.

Attorney(s) for

Dated: _____

PLEASE TAKE NOTICE:

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

☐ NOTICE OF SETTLEMENT

that an order
will be presented for settlement to the HON.
within named Court, at
on _____ at _____ M.
Dated, _____

of which the within is a true copy
one of the judges of the

Yours, etc.

KLEIN CALDERONI & SANTUCCI, LLP

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

MAX SHNETMAN,

Plaintiff,

-against-

2100 WHITE PLAINS ROAD, LLC. GALAXY MANAGEMENT, INC.
“JOHN DOE”, and JANE DOE, INC.” (Said names being fictitious
it being the intention of plaintiff to designate any and all owners of
2100 White Plains Road being sued herein),

Defendants.

-----X
2100 WHITE PLAINS ROAD, LLC., and
GALAXY MANAGEMENT, INC.,

Third-Party Plaintiffs,

-against-

UNITED STATES OF AMERICA,

Third-Party Defendant.

NOTICE OF MOTION FOR DEFAULT AGAINST THIRD-PARTY DEFENDANT
and AFFIRMATION IN SUPPORT

LAW OFFICE OF THOMAS K. MOORE
Attorneys for Defendants/Third-Party Plaintiffs

2100 WHITE PLAINS ROAD, LLC., and
GALAXY MANAGEMENT, INC.,

701 Westchester Avenue, Suite 101W
White Plains, New York 10604
(914) 285-8500
